P.R. No. 743/06 Agency
Presented by Shri Sanjay Agarwal
dated 21/3/06

① C.R. 13 (B)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR
(CHHATTISGARH) **Single Bench**

CIVIL REVISION NO. 41 /2006

Petitioner
Defendant No. 1 — Surjeet Lal Sharma, Aged about 52 years, S/o Late Shri Doulat lal Sharma, R/o Qr. No. B-26, Adarsh Nagar, Kusmunda, Tahsil Katghora, Distt. Korba

Versus

Respondents
Plaintiff No. 1 to 3

1. Gurbhej Singh aged about 46 years S/o Avatar Singh
2. Balvinder Singh aged about 44 years, S/o Avatar Singh
3. Hardeep Singh aged about 42 years, S/o Late Preetam Singh,

1 to 3 All by Caste Sikh, R/o Main Road Korba.

Defendants

4. Akhilesh Kumar Tiwari aged about 37 years,
5. Kamlesh Kumar Tiwari, aged about 36 years,
6. Rajesh Kumar Tiwari aged about 31 years,
7. Umesh Kumar Tiwari aged about 29 years,

4 to 7 S/o Late Bhuneshwar Prasad Tiwari, R/o L.I.G. 77 Sharda Bihar Colony, Tahsil and Distt. Korba,

8. Smt. Dalveer Kaur, aged about 56 years, W/o Sardar Lakhinder Singh R/o Ramsagarpara, Korba
9. The State of Chhattisgarh, Through Collector, Korba.

RE... COPY 21.3.06 BILASPUR CLE...

CIVIL REVISION UNDER SECTION 115 OF CODE OF CIVIL PROCEDURE 1908

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

C.R. No. 41
मामला क्रमांक ..... सन् 2006

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	03.04.2006 Shri Parag Kotecha, counsel for the petitioner. None for respondents No. 1 to 8. Shri Akhil Agrawal, Panel Lawyer for the State/respondent No. 9. Heard on admission and on M.(C).P. No. 466/2006. Learned counsel for the petitioner contended that to enforce agreement to sell said to be executed by the petitioner, a suit was filed by respondents No. 1 to 3 in the Court of Civil Judge Class-II, Korba, thereafter, again a Civil Suit bearing No. 50-A/2005 was filed by them for specific performance of contract against petitioner in the Court of Addl. District Judge, Korba. During pendency of the suit No. 50-A/2005, respondents No. 1 to 3 withdrew their earlier suit without obtaining permission to file afresh therefore, they have no right to continue the subsequent suit any more. From perusal of the application and impugned order, it is evident that no such plea has been raised by the petitioner before Court below. Therefore, the instant revision on that ground is not maintainable. However, if petitioner files fresh application under order 7 Rule 11 or other relevant provisions of the Code of Civil Procedure disputing the maintainability of the subsequent	

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XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित — 2 —	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

suit, the Court below shall consider his application in accordance with law.

With the aforesaid observation, the revision is dismissed.

In view of above order, M.(C).P. No. 466/2006 stands disposed of.

Sd/-
V.K.Shrivastava
Judge

Kvr

[पीछे देखिये